

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION)))))	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory Case No. 03-10643-PBS
THIS DOCUMENT RELATES TO: <i>The City of New York, et al.,</i> v. <i>Abbott Laboratories, et al.</i>))))))	Judge Patti B. Saris

**JOINT MOTION TO AMEND THE ORDERS OF DISMISSAL
AS TO SANDOZ INC.**

Plaintiff Nassau County (“Nassau” or “County”) and defendant Sandoz Inc. (“Sandoz”) hereby move the Court to amend the Order on Joint Motion To Amend the 120-Day Order of Dismissal as to Sandoz Inc. of March 5, 2012 [Dkt. 8092/Sub-Dkt. 326] and Order of Dismissal of October 31, 2011 [Dkt. 7871/Sub-Dkt. 307], to allow an additional seven days for the parties to obtain the requisite signatures needed to finalize their settlement agreement in principle before the Order of Dismissal becomes final.

On October 14, 2011, the Court was advised that counsel for NY Counties and Sandoz had reached an agreement in principle to resolve all claims against Sandoz in the above-entitled action to recommend to their respective clients.¹ The Court entered an Order of Dismissal on October 31, 2011 allowing the parties 120 days to finalize the settlement. [Dkt. 7871/Sub-Dkt. 307]. On March 5, 2012, this Court entered an Order extending the time to reopen the action if settlement is not consummated to April 13, 2012. [Dkt. 8092/Sub-Dkt. 326].

¹ On June 23, 2011, NY Counties reported to the Court that, except for defendant Sandoz Inc., it had settled or reached agreements in principle to resolve all claims against all other defendants in this action, which are subject to a separate extended order of dismissal and time frame.

Counsel for Nassau and Sandoz have negotiated diligently and in good faith and have agreed on the details of their settlement agreement and related documents. The only remaining task to finalize the agreed-upon settlement is to obtain the requisite signatures of the parties. However, Nassau cannot formally consent to the settlement until after it has been approved by the County Legislature, which next meets on April 16, 2012. It is anticipated that the Legislature will approve the settlement. Counsel for Nassau has conferred with Counsel for the City of NY and all other MDL counties and they have no objection to the filing.

For the foregoing reasons, it is respectfully requested that the Court modify its Order on Joint Motion To Amend the 120-Day Order of Dismissal as to Sandoz Inc. of March 5, 2012 [Dkt. 8092/Sub-Dkt. 326] and 120-day Order of Dismissal of October 31, 2011 [Dkt. 7871/Sub-Dkt. 307] to allow Nassau and Sandoz up to and including April 20, 2012 to finalize their settlement agreement before the dismissal with prejudice contemplated by the Order of Dismissal becomes final.

Dated: April 12, 2012

Respectfully submitted,

MILBERG LLP

By: /s/ Ross B. Brooks
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CERTIFICATE OF SERVICE

I, Ross B. Brooks, hereby certify that I caused a true and correct copy of the foregoing **JOINT MOTION TO AMEND THE 120-DAY ORDER OF DISMISSAL AS TO SANDOZ, INC.** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: April 12, 2012

/s/ Ross B. Brooks
Ross B. Brooks